

HARVEY P. SACKETT (72488)

S A C K E T T
AND ASSOCIATES
A PROFESSIONAL LAW CORP.

548 Market Street, Suite 38822
San Francisco, California 94104-5401
Telephone: (408) 295-7755
Facsimile: (408) 295-7444

Attorney for Plaintiff

/as

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOBBI G. WORKMAN,

Plaintiff,

v.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 4:19-cv-03895-YGR

ORDER GRANTING
STIPULATION AND ~~PROPOSED~~
ORDER FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES
PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d)

On February 11, 2020 this Court issued an order reversing the final decision of the Defendant, Andrew Saul, the Commissioner of Social Security (Commissioner), with a remand for a rehearing, 42 U.S.C. § 405(g) (sentence four); judgment was entered.

In the interest of administrative and judicial economy, the parties have agreed to stipulate that an award of THREE THOUSAND EIGHT HUNDRED TWENTY-FOUR AND FOURTY (\$3,824.40) in attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), is reasonable. This award is without prejudice to Plaintiff's right to seek attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to

1 the offset provisions of the EAJA. However, this award shall constitute a complete release
2 from and bar to any claims Plaintiff may have relating to EAJA fees and costs. Further, such
3 award shall not be used as precedent in any future cases, nor be construed as a concession by
4 the Commissioner that the original administrative decision denying benefits to Plaintiff was not
5 substantially justified.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
7 attorney fees and does not constitute an admission of liability on the part of Defendant under
8 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
9 from, and bar to, any and all claims that Plaintiff and/or counsel, including but not limited to
10 Harvey P. Sackett, and Sackett and Associates, may have relating to EAJA attorney fees in
11 connection with this action.

12 After the Court issues an order for EAJA fees to Plaintiff, the Government will
13 consider the matter of Plaintiff's assignment of EAJA fees to Harvey P. Sackett ("Counsel").
14 Pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the ability to honor an assignment will
15 depend on whether the fees are subject to any offset allowed under the United States
16 Department of the Treasury's Offset Program. After the order for EAJA is entered, the
17 Government will determine whether they are subject to offset. Fees shall be made payable to
18 Plaintiff, but if the Department of Treasury determines Plaintiff does not owe a federal debt,
19 then the Government shall cause the payment of fees, expenses, and costs to be made payable
20 directly to Counsel, pursuant to the assignment executed by Plaintiff. Any payments made
21 shall be delivered and made payable to Counsel.

22 Accordingly, Defendant agrees to pay Plaintiff \$3,824.40 in attorney's fees.

23 All parties whose signature lines appear in this document have consented to its filing.
24 This award is without prejudice to the rights of Sackett and Associates and/or Harvey P.

Sackett to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Dated: May 6, 2020

SACKETT AND ASSOCIATES

By: /s/ HARVEY P. SACKETT
HARVEY P. SACKETT
Attorney for Plaintiff
BOBBI G. WORKMAN

Dated: May 8, 2020


DAVID L. ANDERSON
United States Attorney

By: /s/JENNIFER L. TARN
JENNIFER L. TARN
Special Assistant United States Attorney
Attorneys for Defendant
[*As authorized by email on 5/6/20]

ORDER

Pursuant to the stipulation, IT IS SO ORDERED.

Dated: May 13, 2020


Hon. Yvonne Gonzalez Rogers
United States District Judge